

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Howard and Sharon Phillips et al.

Case No. 09-CV-1732 (MJD/JJK)

Plaintiffs,

V.

**AFFIDAVIT OF PETER R.
SILVERMAN**

Trevor Cook et al.

Defendants.

STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

Peter R. Silverman, being duly sworn on oath, states and deposes as follows:

1. I am an attorney licensed to practice law in the states of Ohio, Michigan and New York and have been admitted pro hac vice to the United States District Court for the District of Minnesota; I am one of the attorneys representing Plaintiffs in the above-captioned matter.

2. On July 6, 2009, I spoke with Sally Zimmerman, who was listed as a referenced for Duran in a solicitation letter regarding her experience with Defendant Gerald Durand. She indicated that she had done some tax work for investors with Durand, but stopped due to unspecified concerns.

3. Ms. Zimmerman also stated that the FBI had called her in regard to Durand but declined to say more.

4. Myself and others from my office has attempted to speak to Patrick Kiley and Trevor Cook on numerous occasions regarding Plaintiffs' accounts and funds; however, both have repeatedly refused to return telephone calls and e-mails.

FURTHER YOUR AFFIANT SAYETH NOT.

Dated: July 7, 20009

s/ Peter R. Silverman

Peter R. Silverman

Subscribed and sworn to before me
this 7th day of July, 2009.

s/ Nancy M. Lee

Notary Public

KM: 4840-0453-2740, v. 1